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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,291	12/03/2003	Brian C. Morris	S-00014-011	6923
25179 7590 10/01/2007 A PATENT LAWYER CORP, PLC R WILLIAM GRAHAM 22 S ST CLAIR ST DAYTON, OH 45402			EXAMINER WILLIAMS, JEFFERY L	
			ART UNIT 2137	PAPER NUMBER
			MAIL DATE 10/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,291

Applicant(s)

MORRIS ET AL.

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

Claims 1 – 19 are pending.

This action is in response to the communication filed on 7/13/07.

All objections and rejections not set forth below have been withdrawn.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of “a first SSL connection between said client and said web server”, “a second SSL connection between said client and said server in a manner which permits optimization techniques to be performed on data transmitted through said second SSL connection”, “means for permitting establishing a first SSL connection...and permitting a second SSL connection”, and “means for establishing said first SSL connection and... for enabling said second SSL connection between said client and said server in a manner which permits optimization techniques to be performed on data transmitted through said second SSL connection”, must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

1 replacement drawing sheet should include all of the figures appearing on the immediate
2 prior version of the sheet, even if only one figure is being amended. The figure or figure
3 number of an amended drawing should not be labeled as "amended." If a drawing figure
4 is to be canceled, the appropriate figure must be removed from the replacement sheet,
5 and where necessary, the remaining figures must be renumbered and appropriate
6 changes made to the brief description of the several views of the drawings for
7 consistency. Additional replacement sheets may be necessary to show the renumbering
8 of the remaining figures. Each drawing sheet submitted after the filing date of an
9 application must be labeled in the top margin as either "Replacement Sheet" or "New
10 Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,
11 the applicant will be notified and informed of any required corrective action in the next
12 Office action. The objection to the drawings will not be held in abeyance.

13
14 ***Specification***
15

16 The specification is objected to as failing to provide proper antecedent basis for
17 the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction
18 of the following is required: The specification fails to provide proper antecedent basis for
19 the recitations of "*a first SSL connection between said client and said web server*", "*a*
20 *second SSL connection between said client and said server in a manner which permits*
21 *optimization techniques to be performed on data transmitted through said second SSL*
22 *connection*", "*means for permitting establishing a first SSL connection...and permitting a*

1 *second SSL connection”, and “means for establishing said first SSL connection and...*
2 *for enabling said second SSL connection between said client and said server in a*
3 *manner which permits optimization techniques to be performed on data transmitted*
4 *through said second SSL connection”.*

5
6 ***Claim Rejections - 35 USC § 112***

7
8 **The following is a quotation of the first paragraph of 35 U.S.C. 112:**

9 The specification shall contain a written description of the invention, and of the manner and process of
10 making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
11 art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
12 set forth the best mode contemplated by the inventor of carrying out his invention.
13

14 **Claims 1 - 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to**
15 **comply with the written description requirement.** The claim(s) contains subject
16 matter which was not described in the specification in such a way as to reasonably
17 convey to one skilled in the relevant art that the inventor(s), at the time the application
18 was filed, had possession of the claimed invention. Applicant has not pointed out where
19 the new (or amended) claim is supported, nor does there appear to be a written
20 description of the claim limitations in the application as filed (see above objection to the
21 specification).

22
23

24

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 8 and 10 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz et al. (Aziz), “Method and Apparatus for Providing Secure Communication with a Relay in a Network”, U.S. Patent 6,643,701 in view of Gast, “System and Method for Accelerating Cryptographically Secured Transactions”, U.S. Patent Publication 2003/0046532.

Regarding claim 1, Aziz discloses a system for establishing first (fig. 3:310) and second SSL connections (fig. 3:330) between a client and a web server. The system comprises:

a web server computer having SSL protocol server software operably associated therewith for enabling a SSL connection, wherein SSL protocol server software includes a CA certificate and private key (fig. 3:340; 6:21-24),

and a client computer communicatively linked to said web server computer having web browser software having SSL protocol client software operably associated therewith for enabling an a first SSL connection between said client and said web server (fig. 3:300; 6:18-21),

1 Aziz discloses client and server software operably associated with the client
2 computer and the web server computer (fig. 3:320; 6:4-26). Aziz does not appear to
3 explicitly recite that such software is "SSL acceleration software". However, Gast
4 explicitly recites that client and server software can be for the purpose of acceleration
5 (Abstract, fig. 2:200). It would have been obvious to one of ordinary skill in the art to
6 recognize the benefits of acceleration as disclosed by Gast within the system of Aziz.
7 This would have been obvious because one of ordinary skill in the art would have been
8 motivated by the advantages of speed and efficiency.

9 The combination enables:

10 SSL acceleration server software *operably associated with said web server*
11 *computer which includes a pseudo CA certificate and access to said private key and a*
12 *public key* (Aziz, fig. 3:320; 5:6-13; Gast, fig. 2:202,214, 206, 212) and SSL acceleration
13 *client software operably associated with said client computer* (Aziz, fig. 3:320; 5:6-13;
14 Gast, fig. 2:202,214, 206, 212) *which communicates with said SSL acceleration server*
15 *software to receive a copy of said pseudo CA certificate and said public key and present*
16 *said pseudo CA certificate to said web browser software for validation thereof for*
17 *enabling a second SSL connection between said client and said server in a manner*
18 *which permits optimization techniques to be performed on data transmitted through said*
19 *second SSL connection* (Gast, fig. 2:202, 214, 206, 212).

20
21 Regarding claim 2, the combination enables:

1 *wherein said SSL acceleration client software is further equipped for monitoring*
2 *when said web browser requests a SSL connection with said web server computer and*
3 *intercepting said SSL request from said web browser, and diverting communication*
4 *through one of an established and an initiated SSL connection through said SSL*
5 *acceleration client software and SSL acceleration server software (Aziz, 4:49-65; 7:54-*
6 *8:5).*

7
8 Regarding claim 3, the combination enables:

9 *wherein said SSL acceleration client software is equipped to initiate a SSL*
10 *request to said SSL acceleration server software operably disposed with web server*
11 *computer to establish a SSL connection (Aziz, 4:49-65; 7:54-8:5; Gast, fig. 2:202, 206,*
12 *212).*

13
14 Regarding claim 4, the combination enables:

15 *wherein SSL acceleration server software is further equipped for monitoring*
16 *when the web server computer receives a request for a SSL connection through said*
17 *SSL acceleration client software where upon such request initiates a SSL handshake*
18 *wherein said pseudo CA certificate is sent to said client computer via SSL acceleration*
19 *client software with a public key (Aziz, 5:1-22).*

20
21 Regarding claim 5, the combination enables:

1 *wherein said web browser software is equipped to send a list of available*
2 *encryption algorithms to said web server computer and said SSL acceleration client*
3 *software intercepts said list, selects an encryption algorithm from said list (Aziz, 1:33-63;*
4 *Gast, par. 24-26).*

5
6 Regarding claim 6, the combination enables:

7 *wherein said SSL acceleration client software is equipped to send said chosen*
8 *encryption algorithm to said browser software (Gast, par. 24 – herein the combination*
9 *discloses that the data is relayed from one end system to the other).*

10
11 Regarding claim 7, the combination enables:

12 *wherein said browser software is equipped to create a secret key, encrypt using*
13 *said chosen encryption algorithm and using said public key and send said encrypted*
14 *secret key to said server computer through said SSL acceleration client software/SSL*
15 *acceleration server software (Aziz, 2:1-36).*

16
17 Regarding claim 8, the combination enables:

18 *wherein said SSL acceleration server software is equipped to de-encrypt said*
19 *secret key using said private key (Aziz, 2:1-36; 5:1-22).*

20
21 Regarding claims 10 – 18, they comprise essentially similar limitations to the
22 rejected claims above, and they are rejected, at least, for the same reasons.

1
2 **Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable**
3 **over the combination of Aziz and Gast in view of Freed et al. (Freed), "Secure**
4 **Sockets Layer Proxy Architecture", U.S. Patent Publication 2003/0014628.**
5

6 Regarding claims 9 and 19, the combination recites software for transforming
7 SSL data transmissions, but does not appear to explicitly recite compression. Freed,
8 however, teaches that SSL data transmissions are transformed by compression (Freed,
9 par. 10, 52). It would have been obvious to one of ordinary skill in the art to employ
10 compression within the SSL data transmission of the combination of Aziz and Gast.
11 This would have been obvious because one of ordinary skill in the art would have been
12 motivated by the teachings of the prior art regarding the nature of SSL transmissions.

13
14
15 ***Response to Arguments***

16
17 Applicant's arguments with respect to claims 1 – 19 have been considered but
18 are moot in view of the new ground(s) of rejection.
19
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21
22

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Notice of References Cited.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

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1 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
2 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone
3 number for the organization where this application or proceeding is assigned is 571-
4 273-8300.

5 Information regarding the status of an application may be obtained from the
6 Patent Application Information Retrieval (PAIR) system. Status information for
7 published applications may be obtained from either Private PAIR or Public PAIR.
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12 USPTO Customer Service Representative or access to the automated information
13 system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

14
15
16 J. Williams
17 AU: 2137
18


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